

Remarks/Arguments

Claims 1 to 50 remain in this application.

Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bumbarger. (Although not specified by the examiner, in view of the specific column and line numbers mentioned by the examiner, it is clear the citations are to Bumbarger '912, and not to Bumbarger '977.) Independent Claim 1 has been amended to include the limitations of hydrated superabsorbent and a layer of steam at a surface of the fabric of the barrier, and further to redefine the original limitation of superabsorbent weight per volumetric capacity as based on unhydrated superabsorbent weight (necessitated by the amendment of hydrated superabsorbent form). Claim 1 therefore is amended to a barrier of the present invention as it exists under use conditions. These amendments to claim 1, which by reference are of course carried through to its dependent claims 2-9, are supported by the specification disclosure at paragraph 26 (the entire paragraph), paragraph 62, lines 1-9, and elsewhere. Such a barrier is not disclosed nor made obvious by the temperature-protection teachings of Bumbarger.

Claims 4 and 5, dependent on claim 1, have been amended to convert the pocket dimension and superabsorbent weight limitations therein to limitations based on conditions that exist when the superabsorbent is unhydrated. These amendments were necessitated by the amendment to a hydrated superabsorbent form in claim 1. Claims 4 and 5, and all of claims 1-9 dependent on claim 1 are distinguished from Bumbarger for the same reasons set forth above regarding claim 1.

The examiner acknowledged that claims 10 and 11 were allowable if “fire-retardant barrier” were recited in the preamble, and if rewritten in independent form including all limitations of the base claim and any intervening claims. Claims 10 and 11 have both been amended to overcome the 35 U.S.C. 112, 2nd paragraph rejection by reciting a ‘fire-retarding barrier’ in the preamble, and both have been rewritten as independent claims into which all of the limitations of the original base claim 1 (on which they originally depended) have been incorporated. Claims 10 and 11 are therefore now in allowable form.

The examiner acknowledged that claims 12 and 13 were allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claims 12 and 13 have both been rewritten as independent claims into which all of the limitations of the original base claim 1 (on which they originally depended) have been incorporated. Claims 12 and 13 are therefore now believed in allowable form.

Claims 14-18 were allowed, and they remain without amendment.

Sets of new dependent claims, each equivalent to original dependent claims 2-6, were added as dependent claims to each of now-independent barrier claims 10-14, as follows: claims 19-24 dependent on claim 10; claims 25-30 dependent on claim 11; claims 31-36 dependent on claim 12; claims 37-42 dependent on claim 13; and claims 43-48 dependent on claim 14. All of these claims, directed to preferred embodiments of the invention, are dependent from claims that were allowed or which were rewritten to place in allowable form. Therefore, at least for the reason of their dependency, these claims are believed allowable and require no additional searching.

Method claim 49 has also been added directed to a method of isolating fuel from the flames of a fire by the steps of providing at least one fire-retardant barrier the fuel and the flames, and allowing a steam layer to form on the barrier surface exposed to the flames. This claim 49 is supported in the specification description at paragraph 23, lines 1-6, and elsewhere. This claim 49, similar to claim 1 which recites a barrier having a steam layer, is believed to be fully distinguished from the teachings of Bumbarger which are directed in most pertinent part to a device to protect a person from extreme temperatures. It is believed that new claim 49, which is limited to a method using a barrier having all barrier limitations of original claim 1, does not require any additional search.

New method claim 50 dependent on claim 49 has been added to add the additional step of removing the barrier after the steam layer dissipates. This claim is particularly directed to the unexpected and surprising feature of the present invention regarding the flammable fabric not eventually burning, but instead being protected from ignition by the steam layer, or self-protected, as discussed in specification paragraphs 61-62. This claim 50, which is dependent on claim 49 discussed above, is believed to be fully distinguished from the teachings of Bumbarger which are directed in most pertinent part to a device to protect a person from extreme temperatures. It is believed that new claim 50, like its base claim 50 which includes all barrier limitations of original claim 1, does not require any additional search.

The failure to present method claims of the scope of claims 49 and 50, which affirmatively set forth the steps of allowing a steam layer to form, was an inadvertent

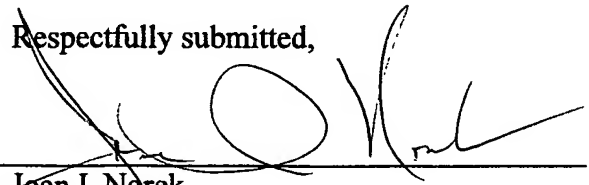
oversight noticed in the first instance by the examiner's application of the teachings of Bumbarger in the rejections of the original claims 1-9.

Entry of the new method claims 49 and 50, and the new series of dependent barrier claims embodied in claims 19-48, is respectfully requested. Entry of the amendments presented here to original claims, discussed above, and reconsideration and removal of the outstanding rejections thereof, are also respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Although the change in Power of Attorney appears to have been attached to the file, for the examiner's convenience attached hereto as Group Exhibit A are true copies of the two "Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address" (one from each inventor) and Transmittal form that were filed on August 22, 2005, plus a copy of the return receipt postcard showing the filing date thereof.

Respectfully submitted,



Joan I. Norek
Attorney for Applicant
Reg. No. 27,365
Tel.: (312) 419-8055